

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-1886

VANDYKE AND VANDYKE COAL COMPANY; OLD REPUBLIC
INSURANCE COMPANY,

Petitioners,

versus

DIRECTOR, OFFICE OF WORKERS' COMPENSATION
PROGRAMS, UNITED STATES DEPARTMENT OF LABOR;
JEARLDINE WHITED,

Respondents.

On Petition for Review of an Order of the Benefits Review Board.
(03-305-BLA)

Submitted: December 23, 2004

Decided: January 12, 2005

Before WILKINSON, NIEMEYER, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Mark E. Solomons, Laura Metcoff Klaus, GREENBERG TRAURIG LLP,
Washington, D.C., for Petitioners. Howard M. Radzely, Solicitor of
Labor, Donald S. Shire, Associate Solicitor, Christian P. Barber,
Counsel for Appellate Litigation, Rita Roppolo, UNITED STATES
DEPARTMENT OF LABOR, Washington, D.C., for Respondent Director.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Petitioners seek review of the Benefits Review Board's (Board) decision and order and its decision and order on reconsideration affirming the administrative law judge's award of black lung benefits pursuant to 30 U.S.C. §§ 901-45 (2000). Our review of the record discloses that the Board's decision is based upon substantial evidence and is without reversible error. Accordingly, we affirm on the reasoning of the Board. See Vandyke & Vandyke Coal Co. v. Dir., Office of Workers' Comp. Programs, No. 03-305-BLA (BRB Dec. 18, 2003; May 24, 2004). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED